

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LOUISE SPIERING and RAY
SPIERING, Husband and wife,

Plaintiffs,

vs.

GOVERNOR MIKE JOHANNNS, In
his individual capacity and official
capacity as Governor of the State of
Nebraska, ATTORNEY GENERAL
JON BRUNING, In his individual
capacity and official capacity as
Attorney General of the State of
Nebraska, NANCY MONTANEZ, In
her individual capacity and official
capacity as Director of the Nebraska
Department of Health and Human
Services, RICHARD RAYMOND, In
his individual capacity and official
capacity as Director of the Nebraska
Department of Health and Human
Services Department of Regulation
and Licensure, and JULIE MILLER,
In her individual capacity and official
capacity as Coordinator of the
Nebraska Department of Health and
Human Services Newborn Screening
Program,

Defendants.

4:04CV3385

**MEMORANDUM
AND ORDER**

This matter is before the court upon a joint motion for additional time to settle the attorney fee question (filing 92). Upon consideration, I find that the motion should be granted.

Accordingly,

IT IS ORDERED that

1. The motion in filing 92 is granted.
2. If the parties can settle the attorney fee question, they shall do so no later than the close of business on Friday, October 13, 2006. If they settle this question, they shall advise me and I will then enter judgment accordingly.
3. If the parties cannot settle the attorney fee question, the plaintiffs shall file their application for fees with supporting materials and a brief by the close of business on Friday, October 13, 2006. The defendants shall have until Monday, October 23, 2006 to respond. In this event, the attorney fee question will be submitted on October 24, 2006, and the Court will resolve that question and enter judgment accordingly.

October 4, 2006.

BY THE COURT:

s/Richard G. Kopf
United States District Judge